

REMARKS

In response to the Examiner's suggestions regarding claim informalities and the indefiniteness rejection, the claims have been amended to insert the term "antimicrobial agent" where appropriate and to avoid the lack of an antecedent basis for the term "affected disease sites".

In part (1) of the Office Action, claims 23, 24 and 26-29 were rejected under 35 U.S.C. §102(b) as being anticipated by Libin.

Reconsideration is requested.

The claims have been amended to add a recitation to the claims to point out that the method is based on the application of the described composition to "fungal disease sites". This recitation avoids the prior art method of treating periodontitis which is not considered a fungal disorder. For these reasons, it is requested that this ground of rejection be withdrawn.

In part (2) of the Office Action, claims 23-30 were rejected under 35 U.S.C. §102(b) as being anticipated by EP 0 670 711B1 ('711 patent).

Reconsideration is requested.

All of the disclosed compositions for use according to the method of the '711 patent that nisin be present. The amended claims which include the recitation "consisting essentially of" exclude the use of nisin and for this reason the amended claims are not anticipated by the '711 patent. For these reason, it is requested that this ground of rejection be withdrawn.

In part (3) of the Office Action, claims 23-25 were rejected as anticipated under 35 U.S.C. §102(b) as anticipated by GB 2 160 099A ('099 patent).

Reconsideration is requested.

All of the disclosed compositions for use according to the method of the '099 patent employ urea as well as triclosan. The amended claims which include the recitation "consisting essentially of" exclude the use of urea and for this reason the amended claims are not anticipated by the '099 patent. For these reason, it is requested that this ground of rejection be withdrawn.

Claims 23-30 were separately rejected under 35 U.S.C. §103(a) as being unpatentable over Libin in view of EP 0 670 711B1 ('711 patent).


Reconsideration is requested.

The Libin patent is concerned with periodontitis and a mouth wash. It does not explicitly mention the treatment of a fungal disease. The '711 patent always uses nisin in combination with the triclosan component. It does not show the use of triclosan alone or in combination with a cationic agent for treating a fungal condition. As noted above, the text of claim 23 has been amended to recite that the amendment to claim 23 that points out that the claimed method "consist essentially of" the use of triclosan. This is not made obvious by the combined teachings of the cited references.

There is no teaching or direction in either of the cited references which tells the skilled artisan to delete the nisin component of the '711 patent or to use the combination of a cationic agent and triclosan to treat a fungal infection. For these reasons, it is requested that this ground of rejection be withdrawn.

An early and favorable action is earnestly solicited.

Respectfully submitted,


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